

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOGGERHEAD TOOLS, LLC,

Plaintiff,

v.

SEARS HOLDINGS CORPORATION and
APEX TOOL GROUP, LLC,

Defendants.

Case No. 1:12-cv-09033

Honorable Rebecca R. Pallmeyer

**PLAINTIFF’S MOTION FOR RECONSIDERATION AND REINSTATEMENT OF THE
JURY’S VERDICT OR ALTERNATIVELY, JUDGMENT OF INFRINGEMENT BASED
ON POST-VERDICT CLAIM CONSTRUCTION AND REINSTATEMENT OF THE
JURY’S VERDICT**

Pursuant to the Court’s February 20, 2018 Order (Dkt. 497), Plaintiff LoggerHead Tools, LLC (“LoggerHead”), moves for reconsideration of the Court’s December 22, 2017 Memorandum Opinion and Order (Dkt. 492) granting a new trial (“New Trial Order”) and reinstatement of the jury’s verdict. Alternatively, LoggerHead moves, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment that Defendants’ Max Axess Locking Wrench (“MALW”) infringes claims 1, 9 and 16 of U.S. Patent No. 6,889,579 (the “579 Patent”) and claims 1 and 9 of U.S. Patent No. 7,992,470 (the “470 Patent”) under the Court’s revised construction as set forth in the New Trial Order. As such, the Court should reinstate the jury’s verdict and rule on the parties’ remaining post-trial motions.

In support of this motion, LoggerHead submits the attached memorandum of law and exhibits thereto, statement of undisputed material facts, and Declaration of Dr. Jonathan Cagan, which more fully sets forth the reasons for the relief requested.

Dated: February 20, 2018

Respectfully submitted,

/s/ Paul J. Skiermont

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2018, the foregoing document was filed electronically through the Court's Electronic Case Filing System. Service of this document is being made upon all counsel of record in this case by the Notice of Electronic Filing issued through the Court's Electronic Case Filing System on this date.

By: /s/ Paul J. Skiermont